

Misbranding was alleged for the reason that the statement on the label, "Superior Firm Flake Pink Alaska Salmon * * * Packed for the Best Trade," was false and misleading and deceived and misled the purchaser.

On or about March 11, 1921, the said Central Alaska Fisheries, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$7,500, in conformity with section 10 of the act, said bond to be conditioned in part that the claimant dispose of the product as animal food under the direction of or to the satisfaction of, and with the approval of, this department.

C. W. PUGSLEY,

Acting Secretary of Agriculture.

9405. Adulteration and misbranding of Lyons Nonalcoholic Port Wine Punch, Elberta Punch, Muscadine Punch, and Cherry Tip. U. S. * * * v. 16 Gallons * * * of Port Wine Punch, 16 Gallons * * * of Elberta Punch, 16 Gallons * * * of Muscadine Punch, and Three 16-Gallon Kegs * * * of Beverage. Default decrees of condemnation and forfeiture. Products ordered destroyed. (F. & D. Nos. 14446, 14447, 14448, 14449. Inv. Nos. 27330, 27333, 27334, 27335, 27336, 27337. S. Nos. C-2787, C-2788, C-2789, C-2790.)

On March 5, 1921, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of certain quantities of alleged beverage, labeled in part, respectively, "Lyons Non-alcoholic Port Wine Punch," or "Elberta Punch," or "Muscadine Punch," or "Cherry Tip," as the case might be, "Artificially colored and flavored. Stimulating and refreshing. The Lyons Brothers Company, Atlanta, Georgia, and Dallas, Texas," at Little Rock, Ark., consigned by the Lyons Bros. Co., Dallas, Tex., alleging that the articles had been shipped on or about September 16, September 17, and October 27, 1920, and transported from the State of Texas into the State of Arkansas, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the articles was alleged in substance in the libels for the reason that they were artificially colored and artificially flavored and sweetened with saccharin, which had been mixed and packed with, and substituted wholly for, the article, and for the further reason that said articles were mixed and colored in a manner whereby damage and inferiority were concealed, and further that said articles contained an added poisonous or deleterious ingredient, saccharin, which might render the articles injurious to health.

Misbranding of the articles was alleged in substance in the libels for the reason that there appeared on the kegs containing all the articles, except the Cherry Tip, the following statements, "Notice. The State of Texas, County of Dallas. Personally appeared before me a notary public in and for Dallas County, Texas, W. J. Lyons, Manager of the Lyons Brothers Company, Dallas, Texas, shippers of this keg of goods and swears upon his oath that the contents of this keg * * * is not in violation of any laws of any State, * * * W. J. Lyons. Sworn and subscribed before me this 21st day of February A. D. 1919, Jas. R. Cocke, Jr., Notary Public, Dallas County, Texas," and on the keg containing the Cherry Tip the statement "Cherry Tip," all of which were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that each of the articles was an imitation of, and offered for sale under the distinctive name of, another article, and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 26, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. W. PUGSLEY,

Acting Secretary of Agriculture.

9406. Adulteration of canned salmon. U. S. * * * v. 3,820 Cases of Salmon * * *. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 14597. Inv. No. 22739. S. No. W-882.)

On or about March 8, 1921, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3,820 cases of salmon, labeled in part "Westgate Brand Pink Salmon," remaining unsold in the original unbroken packages at Seattle, Wash., consigned by the Alaska Fisheries Co., Waterfall, Alaska, alleging that the article had been transported from the Territory of Alaska into the State of Washington, the shipments arriving on or about October 14 and November 5, 1919, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On March 25, 1921, the American Oriental Sales Corp., Seattle, Wash., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$4,000, in conformity with section 10 of the act, conditioned in part that said claimant dispose of the product as chicken feed and for fertilizing purposes, under the direction of, to the satisfaction of, and with the approval of this department.

C. W. PUGSLEY,

Acting Secretary of Agriculture.

9407. Adulteration of canned salmon. U. S. * * * v. 5,020 Cases of Salmon * * *. Consent decree of condemnation and forfeiture. Product ordered released on bond, for use as fertilizer. (F. & D. No. 14601. I. S. No. 10544-t. S. No. W-884.)

On March 9, 1921, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5,020 cases of salmon, remaining in the original unbroken packages at Seattle, Wash., shipped by the Central Alaska Fisheries Co., from Drier Bay, Alaska, alleging that the article had been shipped and transported from the Territory of Alaska into the State of Washington, the shipment arriving on or about August 19, 1920, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of filthy, decomposed, and putrid animal substance.

On or about March 25, 1921, the Central Alaska Fisheries Co., San Francisco, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$4,000, in conformity with section 10 of the act, conditioned in part that said claimant dispose of said salmon as fertilizer under the direction of or to the satisfaction of, and with the approval of this department.

C. W. PUGSLEY,

Acting Secretary of Agriculture.